IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 228 of 2007

Teijin Limited .. Petitioner

versus

Union of India .. Respondent

...

Dr.Virendra Tulzapurkar, Sr. Advocate with Mr.Ramesh Gajria, Sanjay Kumar, Richa Pandey i/b Gajria & Co. for the petitioner.

Ms.Anamika Malhotra for the respondent.

CORAM : D.G. KARNIK, J

DATED : 26th April 2007.

P.C.:

1. Heard.

2. Rule. By consent, the rule is made returnable forthwith.

3. The petitioner challenges orders dated 8th June 2006 and 7th September 2006 whereby the respondent authorities have rejected the applications filed by the petitioner. The fact that the applications have been disposed of without giving opportunity of being heard, is not in dispute apart from the fact that it is apparent from the orders themselves. The matter relates to the applications before the respondent authorities and being so, respondent could not have disposed of the applications without giving opportunity of being heard in the matter. This is the minimum requirement for compliance of principles of natural justice and therefore, on that count itself without expressing any opinion on the merits of the case, the impugned orders are liable to be set aside and the matter remanded to the concerned authority to grant hearing to the petitioner pursuant to their application no. IN/PCT/2001/01478/MUM, before taking any decision in the matter.

4. Accordingly, the petition is hereby allowed. The impugned orders are hereby set aside and the

concerned authorities are directed to hear the petition before passing any order in the matter in question. Needless to say that the authorities are expected to pass a reasoned order.

5. Rule is made absolute accordingly with no order as to costs.

(R.M.S.KHANDEPARKAR, J)

(D.G. KARNIK, J)